

# HOUSE BILL REPORT

## HB 2178

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**As Reported by House Committee On:**  
Juvenile Justice & Family Law

**Title:** An act relating to violent video and computer games.

**Brief Description:** Regarding violent video and computer games.

**Sponsors:** Representatives Dickerson, McCune and McDermott.

**Brief History:**

**Committee Activity:**

Juvenile Justice & Family Law: 2/28/05, 3/2/05 [DP].

**Brief Summary of Bill**

- Permits a person to bring a personal injury or wrongful death claim against a manufacturer or retailer of violent video or computer games if the manufacturer or retailer has distributed, sold, or rented a violent video or computer game to a person under the age of 17 and the game was a factor in the injury or death of another person.

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### HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

**Majority Report:** Do pass. Signed by 6 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

**Minority Report:** Without recommendation. Signed by 1 member: Representative McDonald, Ranking Minority Member.

**Staff:** Sonja Hallum (786-7092).

**Background:**

Video games may include store-bought games, computer games downloaded from the internet, and hand-held game players. Since their inception, video games have become increasingly realistic and interactive. The subject matter of the video games varies greatly, ranging from animated and educational games for children to more sophisticated action games. Some video games have been criticized for their use of violence.

In Washington, a person may bring a "personal injury" lawsuit when the person suffers harm from an accident or injury, and someone else might be legally responsible for that harm. If a

person dies as a result of another's conduct, the personal representative of the deceased person may bring a wrongful death suit to recover damages for the loss to the spouse or next of kin.

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**Summary of Bill:**

A person may file a personal injury or wrongful death lawsuit against a manufacturer or retailer of a violent video or computer game who has distributed, sold, or rented a violent video game to a person under the age of 17 if the game was a factor in creating conditions that assisted or encouraged the person to cause injury or death to another person.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The concern is for ultra-violent video games and the impact on some individuals. We know there is a rating system, but young children are still able to purchase these games. Some people across the country are addicted to these ultra-violent video games and are committing crimes. There have been efforts across the country to ban these games and they have been banned in several countries. One problem in Washington in bringing lawsuits is the difficulty of proving a direct enough cause to succeed. The bill still requires a heavy burden, but allows a person a day in court to prove the injury caused to the families. Police officers on the street believe these videos cause violent acts. Someone has to get the attention of these manufacturers.

**Testimony Against:** We have taken significant steps to limit access of children to these videos. This bill will increase lawsuits because it will reduce the proximate cause that is required. If this bill passes a suit can be filed if a person plays a game. This bill is not the answer. The bill creates a huge liability to manufacturers for acts that they themselves did not commit. It is the role of the parent to monitor their kids. Washington is a thriving community for this industry and we shouldn't make it difficult for this industry to thrive. Education is the answer. This bill will not survive a constitutional challenge.

**Persons Testifying:** (In support) Representative Dickerson, prime sponsor; Bill Hanson, Washington Council of Police and Sheriffs; Nick Federici, National Association of Social Workers; and Jack Thompson, Attorney.

(Opposed) Mark Johnson, Washington Retail Association; Lew McMurrin, Washington Software Association; and Jean Leonard, Entertainment Software Association.

**Persons Signed In To Testify But Not Testifying:** None.